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Applicant:	EBRINGER, Alan	Attorney Docket No.	09262-026-9626
Serial No.	09/269,607	Group Art Unit:	1645
Filed:	July 26, 1999	Examiner:	Iesha Fields
For:	DIAGNOSIS OF SPONGIFORM DISEASE		

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BOX PCT
Washington, D.C. 20231

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Sir:

In response to the Notice mailed **March 27, 2001**, enclosed for filing are the following:

1. A copy of the Notice mailed March 27, 2001.
2. A Petition for an Extension of Time;
3. A check in the amount of **\$695** for a **four** month extension.
4. An initial separate paper copy of the "Sequence Listing."
5. A compact Disc Transmittal form for Submission of Sequence Listing.
6. An initial submission of the "Sequence Listing" in computer readable format in the form of four identical copies on CDs. The content of the paper copy and CD copies are identical and contain no new matter.
7. A self-addressed return postcard to date stamp as confirmation of receipt of these materials.

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The Commissioner is authorized to charge any required additional fees or credit any overpayment to Deposit Account 03-3975.

Date: 8-27-01

Respectfully submitted,

DAVID H. JAEFFER
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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/26/99 04/26/99 E. W. NICHOLS

EXAMINER

DAVID H. JARVIS
PILLSBURY MADISON & SUTRO
150 WEST GASTAVEN AVENUE
SUITE 1000
SAN JOSE, CA 95128

1999/04/26

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Pillsbury Madison & Sutro

09262-026-9629

ART UNIT

PAPER NUMBER

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

CMK 4/17, 4/27
DOCKET

Commissioner of Patents and Trademarks

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Application/Control Number: 09/269,607

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Art Unit: 1645

UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER FILING DATE FIRST NAMED APPLICANT
ATTORNEY DOCKET NO.

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED:

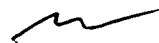
Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Ilesha Fields

March 24, 2001


MARK NAVARRO
PRIMARY EXAMINER

Application No.: 09/269607

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s)

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

Applicant: EBRINGER, Alan
Serial No: 09/269,607
Filed: July 26, 1999
For: DIAGNOSIS OF SPONGIFORM DISEASE
Re: RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any items referred to as being attached or enclosed) is being deposited with the United States Postal Service on Aug. 27, 2001 with sufficient postage as "Express Mail Post Office to Addressee", Express Mail No. **EL 618 987 784 US** in an envelope addressed to: Commissioner of Patents and Trademarks, BOX PCT, Washington, D.C. 20231, by Judy Keeley.



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